

## Message Text

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ORIGIN EA-06

INFO OCT-01 SS-14 ISO-00 L-01 PM-03 DODE-00 NSC-05 NSCE-00

INR-05 SP-02 CIAE-00 OMB-01 /038 R

DRAFTED BY EA/PHL:BAFLECK:JAK

APPROVED BY EA:RHMILLER

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L/EA:PNORTON

PM:GCHURCHILL

DOD/ISA:KBLEAKLEY

NSC:MR. BARNES

S/S - MR. SHANKLE

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R 141842Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY MANILA

INFO CINCPAC

S E C R E T STATE 037513

LIMDIS

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: MILITARY BASE NEGOTIATIONS

REF: STATE 29990

1. THIS MESSAGE CONTAINS ADDITIONAL WORKING GROUP QUERIES  
AND COMMENTS ON EMBASSY'S DRAFT BASES AGREEMENT.

2. ARTICLE III AND ANNEX E (MUTUAL DEFENSE BOARD)

A. BELIEVE TEXT OF PARA I-A OF ANNEX E IS GARBLED. SUG-  
GEST THAT PARA SHOULD READ AS FOLLOWS: "IN RECOGNITION OF  
THE TERMS OF ARTICLE III OF THE MUTUAL DEFENSE TREATY OF

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1951, THE MUTUAL DEFENSE BOARD CONTINUES UNDER THE UNITED

STATES/PHILIPPINE COUNCIL OF MINISTERS, WHICH IS COMPOSED OF THE SECRETARY OF STATE OF THE GOVERNMENT OF THE UNITED STATES AND THE SECRETARY OF FOREIGN AFFAIRS OF THE GOVERNMENT OF THE PHILIPPINES, OR THEIR DESIGNEES, AS CO-CHAIRMEN, WITH THE COMMANDER-IN-CHIEF OF THE UNITED STATES PACIFIC COMMAND AND THE CHIEF OF STAFF OF THE ARMED FORCES OF THE PHILIPPINES AS THEIR MILITARY ADVISERS."

B. INASMUCH AS MUTUAL DEFENSE BOARD IS SET UP UNDER AEGIS OF COUNCIL OF MINISTERS, WOULD IT NOT BE PREFERABLE, IN

FINAL SENTENCE OF ARTICLE III; TO STATE: "... SUCH ISSUES WILL BE REFERRED TO THE COUNCIL OF MINISTERS FOR FURTHER DISCUSSION"? IN PRACTICE, WE WOULD EXPECT ISSUES TO BE REFERRED TO EMBASSY AND DFA AS AT PRESENT, AS "DESIGNEES" OF COUNCIL CO-CHAIRMEN.

C. PARA I-B-2-A OF ANNEX E REFERS TO "UNITED STATES MILITARY REPRESENTATIVE OF THE COUNCIL" WITHOUT OTHERWISE IDENTIFYING HIM. IS THIS POSITION IDENTICAL WITH THAT OF MILITARY ADVISER TO THE U.S. CO-CHAIRMAN?

D. PARA I-I (PAGE 32) OF ANNEX E - SUGGEST FOR CONSISTENCY THAT "COUNCIL OF MINISTERS" BE SUBSTITUTED FOR "THEIR RESPECTIVE GOVERNMENTS".

3. ARTICLE IV, PROCEDURAL ANNEX I (DEFINITIONS) - WE HAVE SOME DIFFICULTY WITH DEFINITIONS OF "CIVILIAN EMPLOYEES" AND "OTHER CIVILIAN EMPLOYEES" AND THEIR USE THROUGHOUT DRAFT. FOR EXAMPLE, IN PARAS 3-B AND 3-C OF PROCEDURAL ANNEX III, DOES TERM "CIVILIANS EMPLOYED BY" INCLUDE BOTH "CIVILIAN EMPLOYEES" AND "OTHER CIVILIAN EMPLOYEES"? WE WONDER WHETHER LIST OF DEFINITIONS MIGHT NOT USEFULLY INCLUDE DEFINITION OF "TECHNICAL REPRESENTATIVE" AND "CONCESSION".

4. ARTICLE IV, PROCEDURAL ANNEX III (IMMIGRATION). THE REFERENCE IN PARA 6 TO "THE DEPARTMENT'S UNNUMBERED NOTES" IS OBSCURE. WHAT DEPARTMENT?

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5. ARTICLE IV, PROCEDURAL ANNEX V (SERVICES). WITH REGARD TO NEW LANGUAGE IN PARAS 7 AND 8 PROVIDING FOR RADIO AND TELEVISION BROADCASTING AND SCHOOLS, WE NOTE THAT THESE ACTIVITIES ARE CURRENTLY TAKING PLACE WITHOUT SUCH SPECIFIC AUTHORIZATION IN EXISTING MBA AND WONDER WHETHER IT IS WISE TO MAKE SUCH SPECIFIC REFERENCE TO THEM, THUS CALLING GOP ATTENTION TO THEM AND PERHAPS CREATING PROBLEM WHERE NONE NOW EXISTS.

6. ARTICLE V (TERM OF AGREEMENT). WE QUESTION WISDOM OF INCLUDING PARA 5, WHICH WOULD PROVIDE FOR AUTOMATIC PERIODIC REVIEW. IN RECENT YEARS, WE HAVE TAKEN POSITION THAT WE WERE PREPARED TO DISCUSS REVISION OF MBA AT ANY TIME, IF GOP SO DESIRED. WOULD IT NOT BE PREFERABLE TO CONTINUE THAT PRACTICE RATHER THAN SET PERIODIC BENCH MARKS WHICH WOULD PROVIDE GOP WITH CONVENIENT OPPORTUNITY FOR RAISING ANTE ON QUID PRO QUO?  
INGERSOLL

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, MILITARY BASES, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 14 FEB 1976  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** izenbei0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** BAFLECK:JAK  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760058-0119  
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**Office:** ORIGIN EA  
**Original Classification:** SECRET  
**Original Handling Restrictions:** LIMDIS  
**Original Previous Classification:** n/a  
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**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** SECRET  
**Previous Handling Restrictions:** LIMDIS  
**Reference:** 76 STATE 29990  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** izenbei0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 07 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <07 JUN 2004 by greeneet>; APPROVED <28 SEP 2004 by izenbei0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MILITARY BASE NEGOTIATIONS  
**TAGS:** MARR, RP, US  
**To:** MANILA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006